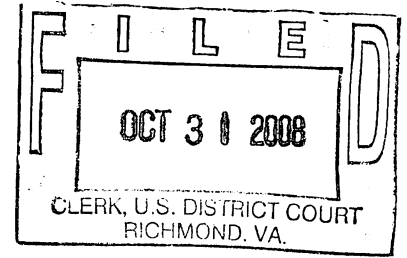


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



DALIAN KEITH GREEN,

Petitioner,

v.

Civil Action No. 3:08cv05

TIMOTHY M. KAINE,

Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus. On September 19, 2002, the Circuit Court for the County of Brunswick entered final judgment on Petitioner's convictions for two counts of grand larceny, possession of burglary tools, and statutory burglary. By Memorandum and Order entered on August 30, 2005, this Court dismissed a prior petition for a writ of habeas corpus by Petitioner challenging the above convictions. *See Green v. Johnson*, 3:05cv62 (E.D. Va. Aug. 30, 2005). The matter is before the Court on this second 28 U.S.C. § 2254 petition by Petitioner challenging the above convictions.

This Court has limited jurisdiction to entertain successive applications for habeas relief. *See Felker v. Turpin*, 518 U.S. 651, 657 (1996). Specifically, Section 2244(b)(3)(A) provides that "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. §2244(b)(3)(A). Petitioner has not obtained authorization from the United States Court of Appeals for the Fourth Circuit to file a successive application for habeas relief, therefore, this Court lacks jurisdiction to entertain the present

action. Accordingly, Respondent's motion to dismiss (Docket No. 8) will be GRANTED and the action will be DISMISSED.

An appropriate Order shall issue.

Richmond, Virginia
Dated: 10-31-08

/s/
James R. Spencer
Chief United States District Judge